

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

THOMAS CAREY SMITH, #43131

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PETITIONER

v.

Civil No. 1:20cv183-HSO-BWR

BURL CAIN, et al.

RESPONDENTS

CERTIFICATE OF APPEALABILITY

A final order adverse to the applicant having been filed in the captioned habeas corpus case, in which the detention complained of arises out of process issued by a state court or a proceeding pursuant to 28 U.S.C. § 2254, the Court, considering the record in the case and the requirements of 28 U.S.C. § 2253, Rule 22(b) of the Federal Rules of Appellate Procedure, and Rule 11(a) of the RULES GOVERNING SECTION 2254 CASES FOR THE UNITED STATES DISTRICT COURTS, hereby finds that:

A Certificate of Appealability should not issue in this case. Jurists of reason could not conclude that the petition states a valid claim of the denial of a constitutional right. *See Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

Date: January 20, 2023

s/ Halil Suleyman Ozerden

HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE